IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

CRI. WRIT PETITION NO. 2080 OF 2004

Mrs.Saraswathy Vasudevan and Ors. ...Petitioners.
Vs.
Mr.Babu Varghese & Ors. ...Respondents.
....
Ms.Madhubala Shetty for the Petitioners.
Mrs.U. V. Kejariwal APP for the Respondents.
.....

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

December 8, 2004.

P.C.:

The Petitioners have filed this petition with the prayer that a special team of C. B. I. be directed to investigate into the crimes committed by the Respondents, which are registered at various Police Stations, and give weekly reports to this Court. It is further prayed that this Court may seize and seal the properties of the BSL Company and direct that the same be vested in the Court Receiver, High Court, Bombay with the direction to hold auction, sell and distribute the amount to the mass public, who have ben duped by the Respondents.

2. This Court issued show cause notice and directed the Director General of Police, Maharashtra State, to file his own

affidavit. A comprehensive affidavit has been filed by the Director General of Police, Maharashtra State, Mumbai. In the affidavit it is mentioned that though the Petitioners are claiming that mass public who have invested their hard earned money and they have been duped by the alleged Respondents, but from the report received from Investigating Officer of Thane City, it revealed that one of the Petitioners i.e. Mrs.Panickar Jagdammba has suppressed most material facts on record that she herself had moved for Anticipatory Bail Application before the Sessions Judge, Thane, apprehending her arrest in this connection. The said Anticipatory Bail Application was heard on 3rd August 2003. A written submission was tendered raising objection to the grant of Anticipatory Bail to her. Similarly, another Petitioner, Mrs. Suma Nair, is also under scanner. Further investigation in the matter is in progress. The investigation, in this case, has been carried out by the (i) Economic Offences Wing, Crime Branch, Mumbai; (ii) Economic Offences Wing, Crime Branch, C. I. D., Thane City; and (iii) Vashi Police Station, Navi Mumbai.

3. Moreover, the Director General of Police, in the affidavit has mentioned that his office is monitoring the matter and instructions have been issued to the concerned Commissioners of

Police, i.e. Mumbai, Thane and Navi Mumbai to look into the matter personally for monitoring the investigation of the offences.

4. Admittedly, Petitioner No.2 has not disclosed the fact of filing an Anticipatory Bail Application. On considerations of all thse facts, it is obvious that the petitioners have not approached the Court with clean hands and the Petition has been filed with oblique motive. The petition being devoid of any merit, is accordingly dismissed. We direct the Petitioners to fully co-operate with the investigating agency. In case the Petitioners do not cooperate, the investigating agency would be at liberty to take appropriate steps in accordance with law.

5. The petition being devoid of any merit, is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.